

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROSENFELD & COMPANY, PLLC,
Plaintiff,

-against-

TRACHTENBERG, RODES, & FRIEDBERG
LLP, et al.,

Defendants.

1:21-cv-03858 (JLR)

ORDER

STAR AUTO SALES OF BAYSIDE, INC., et
al.,

Third Party Plaintiffs,

-against-

BARRY J. FRIEDBERG, et al.,

Third Party Defendants.

JENNIFER L. ROCHON, United States District Judge:

On December 2, 2022, the Court ordered Plaintiff to supplement its allegations of the parties' citizenship, including the citizenship of each limited liability company member or limited liability partnership partner, and those members' members, down the chain of ownership, for purposes of diversity jurisdiction. ECF No. 121. Plaintiff filed a letter and affidavit on December 9, 2022. ECF No. 124. Plaintiff still has not shown compete diversity of citizenship.

Plaintiff's supplemental affidavit is only six sentences long. In it, the declarant states that all members of the Plaintiff PLLC "are residents of Florida or New Jersey." ECF No. 124-1 ¶ 2. The declarant further states that, "[b]ased on the representations of their counsel, all of the members of the Star Auto Defendants" – which include several limited liability companies and

corporations – “and the entities themselves are citizens of New York” and that Defendant Trachtenberg, Rodes & Friedberg, LLP is a citizen of New York. *Id.* ¶¶ 3-4.

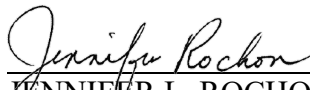
Plaintiff has not identified the members and partners of the limited liability companies and partnership as the Court expressly ordered Plaintiff to do on December 2, 2022 and as is required to establish subject-matter jurisdiction. *See* ECF No. 121. The Court will afford Plaintiff one final opportunity to properly establish the citizenship of each party and that complete diversity exists.

The Court recognizes “that scrupulous enforcement of these jurisdictional rules may make it more difficult for many business entities to sue or to be sued in federal court under diversity jurisdiction. *Platinum-Montaur Life Scis., LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 619 (2d Cir. 2019). “Nonetheless, even when the citizenship of an LLC or LP is in question, a district court may not proceed to the merits without first determining whether it has subject-matter jurisdiction.” *Id.*

Accordingly, IT IS HEREBY ORDERED that, **on or before December 19, 2022**, Plaintiff shall file on ECF a letter, supported by one or more sworn affidavits, alleging in good-faith the citizenship of each party – **including the name and citizenship of each and every limited liability company member or limited liability partnership partner, and those members’ members, down the chain of ownership** – and showing that complete diversity exists in this case. If Plaintiff is unable to do so by that date, the action will be dismissed for lack of subject-matter jurisdiction, without further notice to the parties.

Dated: December 12, 2022
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge